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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,698	02/07/2000	Reid Lee	5150-40800	9195

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EXAMINER

HAQ, NAEEM U

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 03/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/498,698

Applicant(s)

LEE, REID

Examiner

Naeem Haq

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 5, 6, 10, 19, 25-27, 31, 37, 39, 41, and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "proximate" in claims 4, 5, 6, 10, 19, 25-27, 31, 37, 39, 41, and 43 is a relative term which renders the claim indefinite. The term "proximate" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The term "substantially" in claim 6 is a relative term which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-44 rejected under 35 U.S.C. 103(a) as being unpatentable over**

**Henson (US 6,167,383) in view of Motomiya et al (US 6,083,267).** Henson teaches a

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method and system for enabling a user to configure a customizable product in an e-commerce system, wherein the e-commerce system includes a client system coupled through a network to an electronic commerce server, the method and system comprising:

- a processor (Figure 11, item 52; column 6, lines 8-9);
- a memory operatively coupled to said processor (Figure 11, item 58; column 6, lines 12-14);
- an input for coupling to a network, wherein the input is operable to receive a request from a user of the client system to purchase a customizable product, wherein the customizable product includes one or more customizable components (Figure 2, items 46 and 48; column 5, lines 66-67; column 6, lines 1-4; column 4, lines 36-52);
- receiving a request from a user of the client system to purchase the customizable product, wherein the customizable product includes one or more customizable components (column 4, lines 36-52);
- providing customizable component options of the customizable components to a client system for display after receiving said request (Figures 3A, 3B, 4, and 5; column 6, lines 18-43);
- receiving customizable component selections for at least one of the one or more customizable components of the customizable product in response to user input, wherein the customizable component selections applied to the customizable product specify a customized product (Figures 3A, 3B, 4, and 5; column 6, lines 18-43).

Furthermore, Henson teaches that the customizable product is a computer system (column 4, lines 36-39), and that the customizable component selections include one or more of: display, peripheral devices, storage devices, memory size, communication type, memory type (Figure 3A, items 75-77; Figure 3B, item 70). Henson does not teach providing an image of the customized product to the client system for display, wherein the image of the customized product visually depicts the customizable component selections of the user. However, Motomiya teaches displaying an image of the customized product to the client system wherein the image of the customized product visually depicts the customizable component selections of the user at their respective locations on the image of the customized product (column 5, lines 41-67; column 6, lines 1-35; Figure 6A, item 63). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Motomiya into the method and system of Henson. One of ordinary skill in the art would have been motivated to do so in order to provide the customer of Henson's system and method of a visual display of the custom configured product. Henson also does not teach the steps comprising:

- receiving one or more new customizable component selections for at least one of the one or more customizable components of the customized product after said providing the image of the customized product to the client system, wherein the new customizable component selections applied to the customizable product specify a new customized product;
- providing an image of the new customized product, wherein the image of the new customized product visually depicts the new customizable component selections of the user.

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However, Motomiya teaches these limitations (column 5, lines 28-67; column 6, lines 1-28). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Motomiya into the method and system of Henson. One of ordinary skill in the art would have been motivated to do so in order to allow the customer of Henson's system and method to edit and revise his or her design of the customized product. Henson does not teach the limitations of claims 10-19, 26-34, 36-39, and 41. However, Motomiya teaches these limitations in a method and system for customizing a product as outlined below:

- providing an image of the customizable product to the client system for display, wherein images of at least a subset of the one or more customizable components are visually depicted proximate to their respective locations on the image of the customizable product (Figure 6A, items 62 and 63);
- receiving user input selecting an image of a first customizable component which is visually depicted proximate to its respective location on the image of the customizable product, wherein said receiving user input selecting the image of the first customizable component operates to select the first customizable component for configuration (column 5, lines 41-56);
- receiving user input selecting a first customizable component option for the first customizable component, wherein the user input selecting the first customizable component option comprises the customizable component selection for the first customizable component (column 5, lines 41-56);
- receiving user input indicating a position of a cursor of the client system proximate to the location of the image of the first customizable component

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visually depicted on the image of the customizable product (column 5, lines 41-56);

- providing a menu comprising the customizable component options of the first customizable component for display on the client system after said receiving user input selecting the image of the first customizable component (Figure 6A, item 61);
- providing a sequence of images corresponding to the customizable component options of the first customizable component after said receiving user input selecting the image of the first customizable component (Figure 6A, items 61, 62, and 64; column 5, lines 28-37);
- providing customizable component option images corresponding to the customizable component options of the first customizable component; receiving user input selecting a first customizable component option image corresponding to the first customizable component option (Figure 6A, items 61 and 62; column 5, lines 41-56);
- providing an image of the first customizable component option for display on the client system in response to said receiving user input selecting the first customizable component option for the first customizable component (column 5, lines 28-37);
- displaying the image of the customizable product in response to said providing the one or more customizable component options of the customizable components to the client system, wherein images of at least a subset of the one or more customizable components are visually depicted proximate to their

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respective locations on the image of the customizable product; wherein, for each customizable component, the one or more customizable component options are displayed proximate to the image of the customizable component (column 5, lines 41-56).

Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Motomiya into the method and system of Henson. One of ordinary skill in the art would have been motivated to do so in order to provide the customer with a more natural and easier-to-use design interface. Henson and Motomiya do not teach that the image of the customized product appears like the purchased product. However it would have been obvious to do so in order to show the customer all the particular details of his or her customized product. Henson and Motomiya do not teach that the customizable product is a measurement system or that the customizable component selections include one or more of: measurement card, cable, signal conditioning modules and transducer. However, Henson teaches that the customer can customize "one or more products that the customer is interested in" (column 4, lines 41-47). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the teachings of Henson and Motomiya in order to customize any product so desired. One of ordinary skill in the art would have been motivated to do so in order to provide a customer with the ability to design any product the customer desired.



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**Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is 703-305-3930. The examiner can normally be reached between the hours 8:00am – 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



NH  
March 7, 2002



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